

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 2, 1982

ALL-COUNTY LETTER NO. 82-121

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC NOTICES OF ACTION DISCONTINUING STATE-ONLY AFDC-U

REFERENCE: BLAIR v. WOODS, ORDER OF CALIFORNIA SUPREME COURT

On October 6, 1982 we informed you of the proceedings in Blair v. Woods. The District Court of Appeal on October 20, 1982 denied the motion to have the peremptory writ enforced. The petitioners then filed a motion in the California Supreme Court to have the peremptory writ enforced. On November 18, 1982, the Supreme Court granted the petitioners' motion to have the peremptory writ of the Alameda Superior Court enforced. This means that while our appeal is pending, notice of the availability of the General Assistance program must be given to discontinued State-only AFDC-U Program recipients.

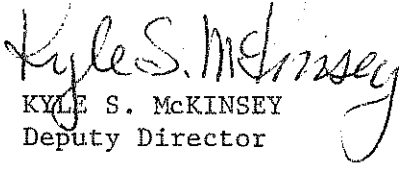
The order is retroactive. Those State-only AFDC-U recipients discontinued effective October 1, 1982 because of the time limited nature of the program must receive notice of the availability of General Assistance. The instructions given in the October 6, 1982 All-County Information Notice I-137-82 need to be amended slightly.

Each county which did not give notice of the availability of General Assistance either prior to the court order or voluntarily after the court order must now give such notice. For these counties the following is required:

Send to each former recipient of State-only AFDC-U benefits whose aid was discontinued effective after September 30, 1982 because of the limitation contained in SB 1326, a notice advising them that they may apply for and if eligible may receive general assistance benefits. This notice shall be sent as soon as administratively feasible. Since the Notices of Action discontinuing these cases have already been sent, a supplemental notice will be necessary. In sending this supplemental message, do not use a standard Notice of Action form because these messages are not to give the recipients a right to a state hearing. The order does not invalidate the notices of action discontinuing these cases.

All counties must now notify each current recipient of State-only AFDC-U benefits whose aid is discontinued because of the limitation contained in Section 207 of SB 1326 that the family may apply for and if eligible receive general assistance benefits. This notice should be included on the approval notice for State-only AFDC-U benefits. For those who are already on aid this notice should be given by a separate notice, not a notice of action, prior to the last day of the last month of State-only AFDC-U benefits.

Suggested messages, a copy of the Supreme Court order and a copy of the Peremptory Writ are attached. Please contact your AFDC Management Consultant at (916) 445-4458 if you have any questions.


KYLE S. MCKINSEY
Deputy Director

Attachments

cc: CWDA

ATTACHMENT

We suggest that your message to those already terminated say the following:

"Now that your State-only AFDC-U cash aid has ended, you may apply for and if eligible, may receive general assistance benefits. To apply, come to the (County Welfare) office."

The following message is suggested to be added to the NA 201:

"You may apply for and if eligible, may receive general assistance benefits. To apply, come to the (County Welfare) office."

1st Civil No. A019626

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

BLAIR

v.

WOODS ET AL

SUPREME COURT
FILED

NOV 13 1982

LAURENCE A. GILL, Clerk

Deputy,

Newman, J., did not participate.

Respondent's petition for hearing GRANTED. Cause and motion transferred to this court. The motion to enforce the peremptory writ of mandate issued by the Superior Court of Alameda County is granted. The cause is retransferred to the Court of Appeal, First District, Division Three.

BIRD,

Chief Justice

MOSK,

Justice

RICHARDSON,

Justice

KAUS,

Justice

BROUSSARD,

Justice

REYNOSO,

Justice

Justice

ENDORSED
FILED

SEP 29 1982

RENE C. DAVIDSON, County Clerk
By Peggy Waller Deputy

EVELYN R. FRANK
CLIFFORD C. SWEET
LEGAL AID SOCIETY OF ALAMEDA COUNTY
2357 San Pablo Avenue
Oakland, California 94612
Telephone: (415) 465-4376

Attorneys for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SHERRY BLAIR,

Petitioner,

vs.

MARION J. WOODS, et al.,

Respondents.

NO. H-85874-0

PEREMPTORY WRIT OF MANDATE
(C.C.P. § 1085)

TO: MARION J. WOODS and DEPARTMENT OF SOCIAL SERVICES,
respondents:

WHEREAS Petitioner served and filed herein her duly verified
petition for Writ of Mandate, an alternative writ of mandate
issued herein on September 17, 1982, and a hearing was held herein
on September 28, 1982.

WHEREAS it appears to this Court that petitioner has no other
plain, speedy and adequate remedy in the ordinary course of law;

WHEREAS, it appears to this Court that you have failed to
perform your legal duty by failing to notify, or cause to be
notified, those families whose non-federal AFDC-U benefits are
being discontinued as a result of § 207 of S.B. 1326, 1982 Stats.
Ch.327 (enacting Welfare and Institutions Code § 11315), that

1 they may apply for, and if-eligible, may receive General Assistance
2 benefits;

3 THEREFORE, you, MARION J. WOODS and DEPARTMENT OF SOCIAL
4 SERVICES are hereby commanded, on or before the close of business
5 on October 1, 1982, to: (1) instruct the county welfare departments
6 to send, on or before October 8, 1982, a notice to each recipient
7 of nonfederal AFDC-U benefits whose aid is being discontinued,
8 effective October 1, 1982, because of the limitation contained in
9 S.B. 1326, advising them that they may apply for, and if eligible,
10 may receive General Assistance benefits; and (2) instruct the
11 county welfare departments to notify each recipient of nonfederal
12 AFDC-U benefits whose aid is, in the future, discontinued because
13 of the limitation contained in § 207 of S.B. 1326 that they may
14 apply for, and if eligible, may receive General Assistance benefits
15 said notice to be included either in the discontinuance notice
16 action, or to be given separately prior to the effective date of
17 the discontinuance.

18 You are further commanded to make and file a return, on or
19 before October 13, 1982, showing what you have done to comply with
20 this Writ.

21 Witness the Honorable Raymond L. Marsh, Judge of the Superior
22 Court.

23 Attest my hand and the seal of this court this 28th day of
24 September, 1982.

25 RENE C. DAVIDSON, County Clerk

26 Clerk of the Superior

27 By:

PEGGY WALLER

28 Deputy Clerk

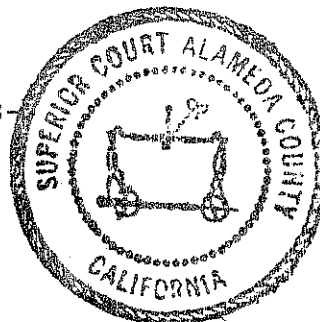
ORDER

Let the foregoing writ issue.

DATED: SEP 29 1982

RAYMOND L. MARCH

JUDGE, SUPERIOR COURT OF ALAMEDA COUNTY



The foregoing instrument is a
correct copy of the original
on file in this office

ATTEST: SEP 29 1982

KENE C. DAVIDSON, County Clerk
County Clerk and ex-officio Clerk of the
Superior Court of the State of California
and for the County of Alameda

BY Roggy Webb DEPUTY